



# County of San Diego

## DEPARTMENT OF PUBLIC WORKS

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### MITIGATED NEGATIVE DECLARATION

April 13, 2006

Project Name: Viejas Boulevard Bridge Replacement Project

Project Number(s): 1C8397

**This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form and attached extended studies for the Viejas Boulevard Bridge Replacement Project.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

## 2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

### **Wetlands**

The Sweetwater River and associated riparian vegetation would fall under the jurisdiction of one or more of the following resource agencies: U.S. Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board (RWQCB). The proposed project would result in impacts to 0.248 hectare (0.612 acre) of resources under jurisdiction of the USACE/RWQCB and 0.286 hectare (0.707 acre) of resources under the jurisdiction of the CDFG (CDFG jurisdiction includes the 0.248 hectare [0.612 acre] of USACE/RWQCB jurisdiction). As such, the project will require a Section 404 permit from USACE and a 401 certificate from the RWQCB in accordance with the Clean Water Act. A 1602 Streambed Alteration Agreement from the CDFG will also be required.

Permanent and temporary impacts to jurisdictional wetlands and non-wetland waters are proposed to be mitigated on site through wetland creation and restoration. A Conceptual Mitigation Plan has been prepared, which details the proposed on-site mitigation within the PIA and is provided as Appendix C to the Natural Environment Study (NES). This plan shall be approved by the County of San Diego, the California Department of Transportation, CDFG, USACE, and the RWQCB; and implemented after construction is complete. The plan analyzes permanent and temporary impacts to jurisdictional areas and determines mitigation ratios and monitoring guidelines.

### **Other Sensitive Habitats**

The proposed project will impact the following sensitive vegetation communities: southern willow scrub (0.020 hectare [0.050 acre]), southern coast live oak riparian forest (0.029 hectare [0.071 acre]), non-native grassland (1.118 hectare [2.761 acre]), open water (0.075 hectare [0.186 acre]), and floodway (0.162 hectare [0.400 acre]).

Impacts to habitats will be mitigated at the following ratios:

- 1:1 for temporary impacts and 2:1 for permanent impacts to southern willow scrub and southern coast live oak riparian forest;
- 1:1 for temporary impacts and permanent impacts to non-native grassland; and
- 1:1 for temporary and permanent impacts to floodway and open water.

All temporary impacts would be mitigated through on-site habitat restoration/revegetation at a ratio of 1:1. Permanent impacts to southern willow scrub, coast live oak riparian forest, floodway, and open water will be mitigated through on-site creation at ratios of 2:1 for vegetated areas (southern willow scrub and coast live oak riparian forest) and 1:1 for floodway and open water. Permanent impacts to non-native grassland will be mitigated through the deduction of credits from a County mitigation bank.

### **Arroyo Toad**

Conservation measures for the arroyo toad:

- A water pollution control plan will be developed to address water quality downstream from the project impact area (PIA). The plan will address specific issues relevant to the arroyo toad, including siltation and flow velocities; so that the downstream flows do not exceed the natural rate and sediment load of the river.
- The authorized biologist shall maintain a complete record of all arroyo toads encountered and moved from harm's way during the construction project. Information shall include: location, date and time of observation, details of the observed behavior, relocation site, estimated number of toads seen or heard, and photographs (when possible).
- The USFWS will be notified should any arroyo toads be found injured or dead in the PIA. A written notification should also be prepared after verbal notification to the USFWS and the report should include: the date, time, and location of the discovered animal/carcass, the cause of injury or death, and any other pertinent information. All dead and preserved specimens should be submitted to educational/research institutions possessing the appropriate state and federal permits. Failing deposition to an available institution, the carcass should be marked, photographed, and left in the field.
- A qualified biologist shall conduct a thorough survey within two weeks prior to the start of construction to ensure that no arroyo toads are moving through the proposed PIA. The surveys should also include an area approximately 0.805 kilometers (0.5 miles) downstream (east) and 0.805 kilometers (0.5 miles) upstream (west) of the proposed project PIA. Nighttime surveys will continue on consecutive nights for at least two nights following the last night that arroyo toads were encountered within the enclosure. If pre-construction conditions are dry, then the entire area inside the exclusionary fencing will be sprayed with water to a depth of one inch to simulate a precipitation event. Water spraying will occur at least one hour after sunset when the air temperature is greater than 10 degrees Celsius (50 degrees Fahrenheit). Arroyo toads found on the inside of the exclusionary fencing shall be relocated outside of the PIA by a qualified biologist to an area approved by the USFWS.

- A “drift fence” of silt fence material shall be installed around the PIA (See Appendix A to the NES). This fence will exclude foraging arroyo toads from the work area, include the detour road. Movement of vehicles and equipment shall be confined within these delineated regions. A qualified biologist shall monitor the installation of the silt fencing and clear the fence periodically. The arroyo toad exclusion fence shall consist of fabric or plastic at least 0.6 meters (2 feet) high, staked firmly to the ground with the lower 0.3 meters (1 foot) of material stretching outward along the ground and secured with a continuous line of sandbags (i.e., there should be no spaces between sandbags). No digging or vegetation removal shall be associated with the installation of the fence and all materials shall be removed when the project is complete.
- Sections of snow fencing shall be installed to direct wildlife, including arroyo toads, small to large mammals, etc., to the wildlife corridor (See Appendix A of the NES).
- The biologist should coordinate with appropriate property owners and with the USFWS to determine a specific translocation site prior to moving and arroyo toads. In addition, any arroyo toads captured should be checked for a Passive Integrated Transponder (PIT) tag and be scanned with a PIT-tag reader if a PIT-tag is present. The date, time of capture, specific location of capture (using Global Positioning System [GPS]), PIT-tag code, approximate size, age, and health of the individual should be recorded and provided to the USFWS, within two weeks of the translocation, in both hard copy and digital format.
- If arroyo toads are found in a construction area where fencing was deemed unnecessary, work should cease until the authorized biologist moves the arroyo toads. The authorized biologist should then determine whether additional surveys or fencing are needed. Work may resume while this determination is being made, if deemed appropriate by the authorized biologist.
- Pre construction sweeps of the construction area shall be conducted within 24 hours prior to the start of construction.
- A qualified biologist will be onsite everyday for two weeks prior to construction activities. Once construction begins, a biological monitor will be at the site as necessary to ensure the integrity of the exclusionary fencing. During the arroyo toad-breeding season (March 1 to June 30), the biological monitor will be at the site more often. An authorized biologist will relocate toads to the nearest location containing suitable habitat outside the PIA.
- Three temporary culverts will be installed underneath the detour road to direct stream-flow and to allow for the movement of wildlife. The culverts will be 2.438 meters (8 feet) in diameter with a 0.914-meter (3-foot) soft bottom sand base. This will allow for a 1.524-meter (5-foot) clearance and a native soil bottom. The silt fencing and directional snow fencing will guide wildlife away from the roadway and through the crossings.

- Construction will be conducted during daylight hours only. No construction or transportation related to construction activities will occur after dark or before dawn.
- Equipment storage and fueling will be located away from any wetlands and native habitat and pollution control measures will always be in place during construction.
- Prior to the onset of construction activities, all personnel who will be present within or adjacent to the PIA during construction activities will receive biological training.
- All trash that may attract predators of the arroyo toad will be removed from work sites or completely secured at the end of each workday.
- Pets of project personnel should not be allowed in the PIA as they may result in an increased level of predation on or injury to arroyo toads within or adjacent to the proposed PIA.
- Fueling and repairs of equipment should take place outside the Sweetwater River to avoid potential contamination of the waterway. Erodible material should not be deposited into the Sweetwater River. Brush, loose soil, or other debris should not be stockpiled within 45.72 meters (150 feet) of the high water mark of the waters of the US and State.
- Upon completion of the construction activities, the PIA shall be restored to its original pre-construction conditions, other than the required channel grading to convey the 100-year flood.
- Siltation and erosion in and around the PIA will be controlled during construction activities with BMPs.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- Vegetation clearing shall occur outside the migratory bird/raptor breeding season (defined as February 15 – August 31).
- A wildlife-crossing element has been incorporated to provide continued wildlife movement through the project impact area during the majority of construction duration. Three temporary culverts will be installed underneath the detour road to direct stream-flow and to allow for the movement of wildlife. The culverts will be 2.438 meters (8 feet) in diameter with a 0.914-meter (3-foot) soft bottom sand base. This will allow for 1.524 meters (5 feet) of clearance and a native soil bottom. The silt fencing and directional snow fencing will guide wildlife away from the roadways and through the crossing to

pass through the PIA. The wildlife crossing will be removed upon completion of the bridge.

- The bridge will be surveyed two weeks prior to vegetation clearing to determine presence or absence of roosting (day or night) or hibernating bats. If bats are present, direct impacts to bats will be avoided by placing bat exclusionary devices on the bridge prior to its demolition. Bats generally leave the roost a few minutes before sunset. Taping Vasquine, a heavy construction plastic, over the expansion joints at least one hour after sunset should ensure that all bats have left the roost and deny access to returning bats. This should be done between September 1 and November 1 to avoid impacting bats while hibernating or during the reproductive or young-rearing life stage (pers. Comm. With Dr. O'Farrell 2002). A qualified biologist shall monitor all exclusionary activities. If bats are not detected during the presence/absence surveys, none of the exclusionary measures are needed.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

\_\_\_\_\_ (Decision-Making Body)

on \_\_\_\_\_ (Date/Item #)

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